

REMARKS

Applicant respectfully requests reconsideration and allowance of the pending claims in view of the following remarks. Currently, claims 1-19 remain pending in the application, including independent claims 1 and 16. For example, independent claim 1 is directed to a dispenser for dispensing sheets. The dispenser comprises a dispenser container housing a stack of disposable sheets that are to be withdrawn one after another. The sheets are arranged such that, once a top sheet is withdrawn from the container, an underlying sheet is individually presented for subsequent use. The dispenser container includes a removable panel that, once removed, uncovers an opening for withdrawing the sheets. The removable panel is configured to be completely removed and separated from the dispenser container. The removable panel is attached to a top sheet in a stack of sheets, such that when the removable panel is removed and separated from the dispensing container, the top sheet is partially pulled through the opening of the dispensing container.

In the Office Action, claims 1-3, 4-10, and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,574,952 issued to Masui. Also, the remaining claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over Masui in view of either U.S. Patent No. 5,992,682 issued to Loppnow, et al., or U.S. Patent No. 4,231,491 issued to Pierson, et al., or U.S. Patent No. 4,138,034 issued to McCarthy.

Masui is directed to a box containing facial tissues having a tape attached to the under surface of an oval portion surrounded by a perforated line. See Abstract. In accordance with a Masui, a tape or strings are attached to the under surface of the top sheet along a perforated line provided in the top sheet and the uppermost of the facial tissues are attached to the under surface of the portion surrounded by the perforated line. Col. 1, ll. 35-41.

Applicant submits that Masui fails to teach or even suggest all of the limitations required by independent claims 1 or 16. Specifically, Masui fails to teach that the removable panel is attached to the top sheet in the stack of sheets such that, when the

removable panel is removed and separated from the dispensing container, the top sheet is partially pulled through the opening of the dispensing container.

Masui discloses that when the end of the oval portion is raised, the uppermost facial tissue is pulled through the slot and out of the dispensing container. Also, Masui discloses that the “uppermost facial tissue can be easily drawn out because it is attached to the under surface of the oval piece to be removed from the top sheet.” Col. 1, rows 48-50. The “top sheet” referred to here is the top sheet or wall (3) of the carton (1). See Col. 1, rows 13-16 and Col. 2, rows 14-19.

No where does Masui teach that the removable panel is attached to the top sheet in the stack of sheets such that, when the removable panel is removed and separated from the dispensing container, the top sheet is only partially pulled through the opening of the dispensing container. As such, Applicant respectfully submits that the rejection of claim 1 under 35 U.S.C. § 102(b) is improper.

Furthermore, no suggestion exists in Masui to modify the disclosed structure to have the removable panel attached to the top sheet in the stack of sheets such that, when the removable panel is removed and separated from the dispensing container, the top sheet is only partially pulled through the opening of the dispensing container. Applicants respectfully submit that one of ordinary skill in the art would not be motivated to modify Masui to include the limitations of the present claims. Thus, Applicant submits that the presently pending claims are patentable over Masui, either alone or in combination with any other reference.

As discussed in the present application, the presently claimed dispenser facilitates the removal of the first sheet out of the dispensing container without wasting the first tissue. Applicants submit that the dispenser taught by Masui wastes the leading sheet because it is unusable since it is attached to the removable top sheet of the box. As such, the presently claimed dispenser has distinct advantages over the dispenser disclosed by Masui.

In view of the above remarks, Applicant respectfully submits that the present application is in complete condition for allowance. Therefore, Applicant requests reconsideration and allowance of all the pending claims. Should any issues remain

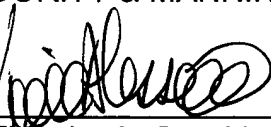
after consideration of this Response, Examiner Bollinger is invited and encouraged to contact the undersigned at his convenience.

Respectfully submitted,

DORITY & MANNING, P.A.

6/23/05

Date



Timothy A. Cassidy
Reg. No. 38,024

P.O. Box 1449
Greenville, SC 29602
(864) 271-1592
Fax (864) 233-7342